

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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OFFICE OF THE CLERK

3rd Amended Petition for Warrant or Summons for Offender Under Supervision

Offender: Terrell Brown

Docket No. 8:03CR00288

Type of Supervision: Supervised Release

Date of This Report: March 10, 2015

Sentencing Judge: The Honorable Lyle E. Strom
Senior U.S. District Judge

Offense of Conviction: Conspiracy to Distribute and Possession with Intent to Distribute Crack Cocaine
[21 U.S.C. 841(a)(1), (b)(1)(A)(iii), 846 and U.S.C. 2]

Date Sentenced: January 8, 2004

Original Sentence: 210 Months Bureau of Prisons; 60 Months Supervised Release

Supervision Term: May 2, 2014 through May 1, 2019

Prepared By:
Todd M. Enger
Sr. U.S. Probation Officer

Assistant U.S. Attorney:
John E. Higgins

Defense Attorney:
Richard H. McWilliams

PETITIONING THE COURT

The undersigned probation officer recommends that the 3rd Amended Petition be addressed at his next Court hearing. Currently his next Court hearing is scheduled for May 5, 2015, and it is recommended by the undersigned officer that the hearing be moved to an earlier date to address the latest violation conduct. The 3rd Amended Petition contains new violation conduct which has been added to allegation #3.

The probation officer believes the offender has violated the following conditions of supervision:

Allegation No. **Nature of Noncompliance**

- 1 Terrell Brown is in violation of **Standard Condition #2** which states, "The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month."

Mr. Brown failed to submit a monthly report for July 2014.

Mr. Brown failed to submit a monthly report for August 2014.

Mr. Brown failed to submit a monthly report for September 2014.

Mr. Brown failed to submit a monthly report for October 2014.

Mr. Brown failed to submit a monthly report for November 2014.

- 2 Terrell Brown is in violation of **Standard Condition #5** which states, "The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons."

Mr. Brown has failed to obtain employment throughout the duration of his supervised release.

- 3 Terrell Brown is in violation of **Standard Condition #7** which states, "The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician."

On June 19, 2014, Mr. Brown reported to Campus for Hope and submitted a urine sample which tested presumptive positive for marijuana and cocaine.

On June 30, 2014, Mr. Brown reported to Campus for Hope and submitted a urine sample which tested presumptive positive for marijuana and cocaine.

On July 24, 2014, Mr. Brown reported to Campus for Hope and submitted a urine sample which tested presumptive positive for marijuana.

On August 25, 2014, Mr. Brown reported to Campus for Hope and submitted a urine sample which tested presumptive positive for marijuana and cocaine.

On September 10, 2014, Mr. Brown reported to Campus for Hope and submitted a urine sample which tested presumptive positive for marijuana.

On December 29, 2014, Mr. Brown reported to Campus for Hope and submitted a urine sample which tested presumptive positive for cocaine.

On February 11, 2015, Mr. Brown reported to Campus for Hope and submitted a urine sample which tested presumptive positive for cocaine.

On March 5, 2015, Mr. Brown reported to Campus for Hope and submitted a urine sample which tested presumptive positive for cocaine.

If the Court finds the offender has violated the conditions of supervision by submitting more than three positive tests for drug use within one year, the Court shall revoke supervision and impose a sentence which includes a term of imprisonment; however, the Court shall consider the availability of substance abuse programs or if current or past participation in such programs warrants an exception from the mandatory revocation.

- 4 Terrell Brown is in violation of **Special Condition #4** which states, " The defendant shall attend, pay for and successfully complete any diagnostic evaluation, treatment or counseling program, or approved support groups (e.g. AA/NA) for alcohol and/or controlled substance, as directed by the U.S. Probation Officer.

On July 29, 2014, Judge Lyle Strom signed a Report on Offender Under Supervision (12A), directing Mr. Brown to attend and complete a relapse program at the Douglas County Reporting Center within 6 months. To date, Mr. Brown is not enrolled in the program.

On September 16, 2014, Mr. Brown was removed from the District's cognitive thinking program MRT due to excessive absences.

Assistant U.S. Attorney John E. Higgins has been notified of this action.

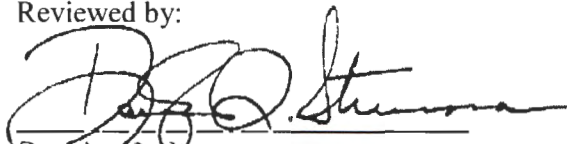
I declare under penalty of perjury that the forgoing is true and correct.

Respectfully submitted,



Todd M. Enger
Sr. U. S. Probation Officer

Reviewed by:

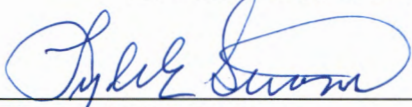


Douglas D. Steensma
Supervising U. S. Probation Officer

THE COURT ORDERS THAT:

_____ No action shall be taken.

✓
_____ The following action to be taken (specify other action): **Address the 3rd Amended Petition at the next scheduled court hearing.** APRIL 2, 2015, at 10 a.m., Courtroom Nō. 5, Roman L. Hruska United States Courthouse Omaha, Nebraska.



The Honorable Lyle E. Strom
Senior U.S. District Judge

3/11/15

Date

*** * * NOTICE TO OFFENDER * * ***

Pursuant to the Federal Rules of Criminal Procedure 32.1(b)(2) you are entitled to:

- (A) written notice of the alleged violation(s);
- (B) disclosure of the evidence against you;
- (C) an opportunity to appear, present evidence, and question adverse witnesses unless the court determines that the interest of justice does not require the witness to appear;
- (D) notice of your right to retain counsel or to request that counsel be appointed if you cannot obtain counsel.